

REMARKS

Applicant has studied the Final Office Action dated January 25, 2008. Claims 1 and 3-22 are pending. Claims 1, 4-6, 12, 15-17, and 20-22 have been amended. Claims 1, 12, and 20 are independent claims. No new matter has been added as the amendments have support in the specification as originally filed. In particular, support for amendments to claims 1, 12, and 20 can be found in, for example, FIGS. 2, 5 and 6.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Objection to Specification

The disclosure was objected to due to informalities and the Examiner required appropriate clarification and correction. Specifically, it was indicated by the Examiner both "300°" and "270°" positions correspond to 9 O'clock positions in the previously amended paragraphs [0025] and [0026].

Further amendments have been made to the specification at paragraphs [0025] and [0026] to correct the typographical errors. It is noted that the specification, as amended, correctly recites "approximately 300° (approximately 10 O'clock position)" and "270° corresponding to the 9 O'clock position" in paragraphs [0025] and [0026], respectively.

Accordingly, it is respectfully requested that the objection be withdrawn.

§102 Rejection

Claims 1, 4, 20, and 21 were rejected under 35 U.S.C. §102 (e) as being anticipated by Vance et al. ("Vance" US 6,992,699). Applicant respectfully disagrees with the Examiner's interpretation of Vance and respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens

Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With regard to the rejection of independent claims 1 and 20, it is respectfully noted that the Examiner asserts, at paragraph 4 of the Office action, that the mirror assembly disclosed by Vance has been interpreted by the Examiner as a photographic apparatus recited in independent claims 1 and 20 "because the mirror assembly is used in the process of capturing light to form an image, i.e. lenses, mirrors, filters, optic, etc. are at least photographic apparatuses if used in the process of forming and image." It is noted that the asserted photographic apparatus of Vance or the mirror assembly 52 is located inside of a housing 40 of the camera phone 10 as determined from FIGS. 2-4. It is further noted that only light apertures 46 and 48, which do not rotate, are shown on the front and back surfaces of the housing 40.

It is noted that independent claims 1 and 20, as amended, recite a photographic apparatus rotatably and externally connected to the terminal. However, as discussed above, since the asserted photographic apparatus or the mirror assembly 52 of Vance is internally connected to the camera phone 10, it is respectfully submitted that Vance fails to disclose or suggest the photographic apparatus rotatably and externally connected to the terminal, as recited in independent claims 1 and 20.

It is also noted that independent claim 1, as amended, further recites rotation of the photographic apparatus at a predetermined angle, such that the photographic apparatus is directed in substantially the same direction as the display, brings the magnet closer to the magnetic flux detecting sensor and independent claim 20, as amended, further recites the photographic apparatus is directed in substantially the same direction as a display of the terminal when rotated in a predetermined angle. the display displaying the inverted image. However, it is respectfully submitted that Vance fails to disclose or suggest these additional features recited in independent claims 1 and 20.

Accordingly, it is respectfully asserted that independent claims 1 and 20 are allowable over the cited reference. It is further respectfully asserted that claims 4 and

21, which depend from claim 1, are allowable over the cited reference by virtue of their dependence from the allowable base claim.

§103 Rejections

Claims 12, 13, 15, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vance in view of Official Notice ("ON"). Applicant respectfully traverses the rejection.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned." (citations omitted.)

With regard to the rejection of independent claim 12, as discussed above in connection with the rejection of independent claims 1 and 20, it is submitted that Vance fails to disclose or suggest the photographic apparatus rotatably and externally connected to the terminal, as recited in independent claim 12. Moreover, it is noted that independent claim 12, as amended, further recites the image is inverted when the photographic apparatus is rotated and directed in substantially the same direction as the display such that the magnetic flux sensor does not detect the magnetic flux. However, it is respectfully submitted that ON fails to cure the above-identified deficiencies of Vance with respect to claim 12.

Therefore, it is respectfully asserted that independent claim 12 is allowable over the cited combination of references. It is further respectfully asserted that claims 13, 15, and 22, which depend from claim 12, also are allowable over the cited combination of references.

Claims 5-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vance in view of Kim (US 6,882,726). Applicant respectfully traverses the rejection.

As asserted above, independent claim 1 is believed to be allowable over Vance because Vance fails to disclose or suggest the photographic apparatus rotatively and externally connected to the terminal and rotation of the photographic apparatus in a predetermined angle, such that the photographic apparatus is directed in a substantially same direction as the display, approximates the magnet to the magnetic flux detecting sensor, as recited in independent claim 1. However, it is respectfully submitted that Kim fails to cure the above-identified deficiencies of Vance with respect to independent claim 1.

Therefore, it is respectfully asserted that independent claim 1 is allowable over the cited combination of references. It is further respectfully asserted that claims 5-9, which depend from claim 1, also are allowable over the cited combination of references.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vance in view of Kim, and in further view of applicant's admitted prior art (AAPA). Applicant respectfully traverses the rejection.

As asserted above, independent claim 1 is believed to be allowable over the cited combination of Vance and Kim. It is respectfully noted that AAPA was cited by the Examiner for purportedly disclosing that it is well-known to connect two materials (the magnet and the photographic apparatus) with an adhesive. However, it is respectfully submitted that AAPA fails to cure the above-identified deficiencies of Vance and Kim with respect to independent claim 1.

Therefore, it is respectfully submitted that independent claim 1 is allowable over the cited combination of references. It is further respectfully asserted that claim 10, which depends from claim 1, also is allowable over the cited combination of references.

Claims 16-19 were rejected under U.S.C. §103(a) as being unpatentable over Vance in view of ON, and in further view of Kim.

As asserted above, independent claim 12 is believed to be allowable over the cited combination of Vance and ON. However, it is respectfully submitted that Kim fails to cure the above-identified deficiencies of Vance and ON with respect to independent claim 12.

Therefore, it is respectfully asserted that independent claim 12 is allowable over the cited combination of references. It is further respectfully asserted that claims 16-19, which depend from claim 12, also are allowable over the cited combination of references.

Double Patenting Rejection

Claims 1 and 4 were rejected as being directed to the same invention as that of claims 4 and 5 of US Patent 7,215,355. Claims 1 and 4 were also rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 4 and 5 of US Patent 7,215,355.

It is respectfully noted that the Examiner indicates, at paragraph 13 of the Office action, that a statutory type (35 U.S.C. §101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. With this paper, independent claim 1 has been amended to recite rotation of the photographic apparatus at a predetermined angle, such that the photographic apparatus is directed in substantially the same direction as the display, brings the magnet closer to the magnetic flux detecting sensor. It is believed that claims 4 and 5 of US Patent 7,215,355 do not recite, at least, these features recited in amended independent claim 1.

Therefore, it is believed that the presently claimed invention according to amended independent claim 1 and its dependent claim 4 are not directed to the same invention as that of claims 4 and 5 of US Patent 7,215,355. Accordingly, it is respectfully requested that the rejection be withdrawn.

Allowable Subject Matter

Applicant graciously acknowledges the Examiner's indication of allowable subject matter in claims 3, 11, and 14.

Claims 3 and 11 depend from allowable independent claim 1 and claim 14 depends from allowable independent claim 12. Therefore, it is respectfully submitted that claims 3, 11, and 14 are allowable by virtue of allowable base claims, and have not been rewritten in independent form as suggested by the Examiner.

CONCLUSION

In view of the above remarks, Applicant submits that the present application is in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

LEE, HONG, DEGERMAN, KANG & SCHMADEKA

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By: 

Richard C. Salfelder
Registration No. 51,127
Attorney for Applicant

Customer No. 035884